

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY GORDON,

Plaintiff,

Civil Case No. 13-14881

v.

Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
NOVEMBER 24, 2014 REPORT AND RECOMMENDATION; (2)
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND
(3) GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On November 26, 2013, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for Disability Insurance Benefits under the Social Security Act. On that date, the matter was referred to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 2.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 8, 12.)

On November 24, 2014, Magistrate Judge Grand issued his R&R in which he recommends that this Court deny Plaintiff's motion, grant Defendant's motion,

and affirm the Social Security Commissioner's decision. (ECF No. 13.) In the R&R, Magistrate Judge Grand first notes that Plaintiff could be deemed to have waived any challenges to the ALJ's decision because his brief in support of his motion for summary judgment contains only conclusory allegations and lacks any developed argument. (*Id.* at 8.) Nevertheless, Magistrate Judge Grand addresses Plaintiff's sole argument that the ALJ erred in declining to fully credit Plaintiff's hearing testimony, concluding that "the ALJ reasonably discounted [Plaintiff's] allegations of disabling limitations because they were inconsistent with the objective medical evidence and the record as a whole." (*Id.* at 8-11.) Magistrate Judge Grand finds substantial evidence in the record supporting the ALJ's decision.

At the conclusion of the R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 12.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts the magistrate judge's November 24, 2014 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment (ECF No. 8) is **DENIED**;

IT IS FURTHER ORDERED, that Defendant's motion for summary judgment (ECF No. 12) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 27, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 27, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager